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Attorney for Defendant  
**CHARLES ELLIS**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, ) **Case No.: 2:18-CR-00255-JAD**  
Plaintiff, )  
vs. )  
CHARLES ELLIS, )  
Defendant. )  

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CERTIFICATION: This Stipulation is timely filed.

**IT IS HEREBY STIPULATED AND AGREED**, by and between NICHOLAS TRUTANICH, ESQ., United States Attorney, by and through his Assistant United States Attorney, PATRICK BURNS, Esq., counsel for the United States of America; and, DONALD J. GREEN, ESQ. counsel for defendant CHARLES ELLIS (hereinafter referred to as Defendant); and respectfully STIPULATE that the Calendar Call set in OCTOBER, 2019 and Trial set for NOVEMBER, 2019, be continued to dates convenient to the Court and to the parties.

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1        This Stipulation is entered into for the following reasons:

2        1. On August 23, 2018, defendant was arraigned on the Federal  
3 Grand Jury Indictment. On this same day, defendant Ellis self-  
4 surrendered to and was taken into custody by Special Agents of the  
5 Bureau of Alcohol, Tobacco, Firearms and Explosives.

6        2. The defendant pled Not Guilty.

7        3. On August 23, 2018, Ellis was released from custody  
8 and remains at liberty pursuant to conditions previously ordered by  
9 the U.S. Magistrate Judge.

10       4. Government and defense counsel Green have exchanged e-mail  
11 transmissions regarding this case. The discovery released to date  
12 includes law enforcement reports regarding a large-scale  
13 investigation of the defendant.

14       5. The discovery released to date and the entries in  
15 defendant's I-Pad tablet are composed of thousands of pages. Defense  
16 counsel has been reviewing this material. Defense counsel still needs  
17 additional time in order to effectively prepare for trial and/or to  
18 properly evaluate the case for trial and/or potential pre-trial  
19 resolution.

20       6. Defense Counsel Green respectfully advises the Court of  
21 the status of his medical conditions which will now impact on the  
22 current Trial date:

23           A. In June 2019 during a routine annual eye examination,  
24           the Optometrist advised that Counsel Green consult  
25           with an Ophthalmologist due to the significant  
26           deterioration in vision from May 2018 to June 2019.

- 1           B. In June, July, August, September and October 2019,  
2           Counsel Green had 11 consultations with three Eye  
3           Surgeons and a Retina Specialist.
- 4           C. All of the eye doctors concurred that Counsel Green  
5           required cataract surgery but there was also an  
6           apparent Bilateral Kertaconus, and severe dry eyes.
- 7           D. Counsel Green went through several eye outpatient  
8           treatments to resolve or curtail the ailments which  
9           prevented more immediate cataract surgeries on both  
10          eyes.
- 11          E. The original surgeries were scheduled for September  
12          2019. However, due to further medical complications,  
13          the eye surgeon has set the left eye surgery for  
14          October 15, 2019 and has set the right eye surgery  
15          for October 29, 2019.
- 16          F. Recovery time is approximately 2 to 5 days for each  
17          eye, with the eye surgeon specifically advising  
18          Counsel Green to restrict extensive reading, computer  
19          usage, and driving at night for an undetermined  
20          period of time pending a series of post-operative  
21          follow up consultations

22         6. On October 14, 2019, defense counsel consulted with  
23         defendant and defendant has agreed to a continuance of the current  
24         trial date.

25         7. Without this requested continuance, defense counsel has not  
26         had, nor will he have, sufficient time and the opportunity within  
27         which to prepare for trial and/or potential pre-trial disposition,  
28         given the necessity to fully recuperate and review the files.

1       8. It would be unrealistic to expect defense counsel to be  
2 able to fully recover and to effectively and thoroughly prepare for  
3 trial, and/or potential pre-trial resolution in the above-captioned  
4 matter without this request for a continuance of the trial.

5       9. The Stipulation requests a continuance of the trial to a  
6 date and time convenient to the Court. The following dates for trial  
7 are proposed to the Court:

- 8           A. FEBRUARY 10, 2020;  
9           B. FEBRUARY 17, 2020;  
10          C. MARCH 3, 2020;  
11          D. APRIL 6, 2020; and,  
12          E. APRIL 13, 2020

13       10. For all of the above-stated reasons, the ends of justice  
14 would best be served by a granting this **FOURTH** request for a  
15 continuance of the trial.

16       11. The extension of time sought by the Stipulation is  
17 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161  
18 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131  
19 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1)(f).

20       12. This is the **FOURTH** request for a continuance of the trial.

21       DATED this 23rd day of OCTOBER, 2019.

22       LAW OFFICES OF DONALD J. GREEN

23       BY /s/ Donald J. Green  
24           DONALD J. GREEN, ESQ.  
25           4760 S. Pecos Rd. #103  
26           Las Vegas, Nevada 89121  
27           Attorney for defendant  
28           CHARLES ELLIS

NICHOLAS TRUTANICH, ESQ.

UNITED STATES ATTORNEY

BY /s/PATRICK BURNS

PATRICK BURNS, ESQ.

Assistant U.S. Attorney

333 Las Vegas Blvd., #500

Las Vegas, NV 89101

GOVERNMENT COUNSEL

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, ) Case No.: 2:18-CR-00255-JAD  
Plaintiff, )  
vs. )  
CHARLES ELLIS, ) FINDINGS OF FACT AND  
Defendant, ) CONCLUSIONS OF LAW &  
 ) ORDER

## **FINDINGS OF FACT**

Based on the Stipulation of counsel, and good cause appearing therefore, the Court hereby finds:

1. On August 23, 2018, defendant was arraigned on the Federal Grand Jury Indictment. On this same day, defendant Ellis self-surrendered to and was taken into custody by Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

2. The defendant pled Not Guilty.

3. On August 23, 2018, Ellis was released from custody and remains at liberty pursuant to conditions previously ordered by the U.S. Magistrate Judge.

4. Government and defense counsel Green have exchanged e-mail transmissions regarding this case. The discovery released to date includes law enforcement reports regarding a large-scale investigation of the defendant.

5. The discovery released to date and the entries in defendant's I-Pad tablet are composed of thousands of pages. Defense counsel still needs additional time in order to effectively prepare

1 for trial and/or to properly evaluate the case for trial and/or  
2 potential pre-trial resolution.

3       6. Defense Counsel Green respectfully advises the Court of  
4 the status of his medical conditions which will now impact on the  
5 current Trial date:

- 6           A. In June 2019 during a routine annual eye examination,  
7                   the Optometrist advised that Counsel Green consult  
8                   with an Ophthalmologist due to the significant  
9                   deterioration in vision from May 2018 to June 2019.  
10           B. In June, July, August, September and October 2019,  
11                   Counsel Green had 11 consultations with three Eye  
12                   Surgeons and a Retina Specialist.  
13           C. All of the eye doctors concurred that Counsel Green  
14                   required cataract surgery but there was also an  
15                   apparent Bilateral Kertaconus, and severe dry eyes.  
16           D. Counsel Green went through several eye outpatient  
17                   treatments to resolve or curtail the ailments which  
18                   prevented more immediate cataract surgeries on both  
19                   eyes.  
20           E. The original surgeries were schedule for September  
21                   2019. However, due to further medical complications,  
22                   the eye surgeon has set the left eye surgery fo  
23                   October 15, 2019 and has set the right eye surgery  
24                   for October 29, 2019.  
25           F. Recovery time is approximately 2 to 5 days for each  
26                   eye, with the eye surgeon specifically advising  
27                   Counsel Green to restrict extensive reading, computer  
28                   usage, and driving at night for an undetermined

1                   period of time pending a series of post-operative  
2                   follow up consultations.

3       7. On October 14, 2019, defense counsel consulted with  
4 defendant and defendant has agreed to a continuance of the current  
5 trial date.

6       8. Without this requested continuance, defense counsel has not  
7 had, nor will he have, sufficient time and the opportunity within to  
8 recuperate and which to prepare for trial and/or potential pre-trial  
9 disposition, given the necessity to fully review the files.

10     9. It would be unrealistic to expect defense counsel to be  
11 able to recover and to effectively and thoroughly prepare for trial,  
12 and/or potential pre-trial resolution in the above-captioned matter  
13 without this request for a continuance of the trial.

14     10. The Stipulation requests a continuance of the trial to a  
15 date and time convenient to the Court. The following dates for trial  
16 are proposed to the Court:

- 17           A. FEBRUARY 10, 2020;
- 18           B. FEBRUARY 17, 2020;
- 19           C. MARCH 3, 2020;
- 20           D. APRIL 6, 2020; and,
- 21           E. APRIL 13, 2020:

22     11. For all of the above-stated reasons, the ends of justice  
23 would best be served by a granting this **FOURTH** request for a  
24 continuance of the trial.

25                                  CONCLUSIONS OF LAW

26     12. The extension of time sought by the Stipulation is  
27 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161  
28 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131

1 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f)

2       13. Additionally, denial of the request for a continuance of  
3 the trial could result in a miscarriage of justice, givens the stated  
4 medical conditions of defense counsel.

5       14. The defendant is out of custody. Defense counsel has  
6 informed the defendant of the necessity for a continuance of the  
7 current trial date. Defendant consents to a continuance of the trial.

8       15. The denial of this request for a continuance of the trial  
9 would deny defendant the opportunity to have continuity of counsel,  
10 taking into account the exercise of due diligence.

11       16. Additionally, denial of the request for a continuance of  
12 the trial could result in a miscarriage of justice.

13       17. For all of the above-stated reasons, the ends of justice  
14 would best be served by a granting this **FOURTH** request for a  
15 continuance of the trial.

16       18. The extension of time sought by the Stipulation is  
17 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161  
18 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131  
19 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

20       19. Denial of this request for a continuance of the trial could  
21 result in a miscarriage of justice.

22       20. The ends of justice served by granting this **FOURTH** request  
23 for a continuance of the trial and said continuance of the trial  
24 outweigh the best interests of the public and the defendant in a  
25 speedy trial, because the failure to grant said continuance would be  
26 likely to result in a miscarriage of justice, would deny defense  
27 counsel adequate time to recuperate and to prepare for trial and/or  
28 potential pre-trial resolution, taking into account the exercise of

1 due diligence, and would deny the defendant the opportunity to have  
2 continuity of counsel, taking into account the exercise of due  
3 diligence.

4 21. This is the **FOURTH** stipulated continuance of the Trial.  
5

6 **ORDER**

7 **IT IS ORDERED** that the trial date set for NOVEMBER 19, 2019  
8 shall be VACATED.

9 **IT IS ORDERED** that the Trial of this matter shall be continued  
10 until April 21, 2020, at the hour of 9:00 a.m.  
11

12 **IT IS ORDERED** that the Calendar Call date set for OCTOBER 28  
13 2019 shall be VACATED.

14 **IT IS ORDERED** that the Calendar Call shall be continued until  
15 April 13, 2020, at the hour of 1:30 p.m.  
16

17 **IT IS FURTHER ORDERED** that the government and the defense shall  
18 file proposed jury instructions and/or proposed voir dire on or  
19 before noon on April 13, 2020.

20 **IT IS FURTHER ORDERED** that the parties trial briefs are due by noon on April 13, 2020.

21 **IT IS FURTHER ORDERED** that all exhibit lists and witness lists are due by noon on April  
22 13, 2020.

23  
24  
25 DATED: 10/23/2019

26 \_\_\_\_\_  
27 JENNIFER A. DORSEY  
28 UNITED STATES DISTRICT JUDGE